

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOROTHY GRANT,
Plaintiff,
v.

WESTAFF TEMPORARY AGENCY,
Defendant

No. C-04-0277 MMC

**ORDER CONTINUING HEARING ON
MOTION TO DISMISS**

(Docket No. 52)

Before the Court is the motion filed August 25, 2005 by defendant Westaff Temporary Agency seeking dismissal of the above-titled action. The motion is scheduled to be heard October 7, 2005.

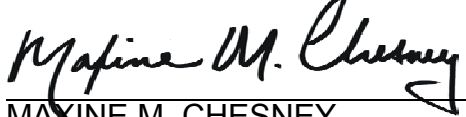
On September 23, 2005, defendant filed a supplemental declaration in which it notified the Court that a copy of the motion to dismiss was sent to plaintiff by certified mail, and that it was returned to defendant unclaimed. (See Bleicher Decl. ¶ 2 and Ex. A.) Defendant again mailed the motion to plaintiff, via certified mail, on September 23, 2005. (See id. ¶ 4 and Ex. B.)

Plaintiff may not delay this litigation indefinitely by declining to pick up her mail. Nonetheless, as it appears that plaintiff, to date, has not received a copy of defendant's motion to dismiss, the Court will continue the hearing on the motion to allow additional time for plaintiff to respond.

1 Accordingly, the hearing on defendant's motion to dismiss is hereby CONTINUED
2 from October 7, 2005 to October 28, 2005 at 9:00 a.m. Plaintiff shall file her opposition no
3 later than October 7, 2005; defendant may file a reply no later than October 14, 2005.

4 **IT IS SO ORDERED.**

5 Dated: September 26, 2005


MAXINE M. CHESNEY
United States District Judge